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EXAMINER	
DELCOTTO, GREGORY R	
ART UNIT	**PAPER NUMBER**
1796	

NOTIFICATION DATE	DELIVERY MODE
08/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/522,620	TERADA, EIJI	
	Examiner	Art Unit	
	Gregory R. Del Cotto	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE filed 6/3/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7,9-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,9-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 2, 4, 5, 7, 9-16, and 18-20 are pending. Claims 3, 6, 8, and 17 have been canceled. Applicant's arguments and amendments filed 6/3/08 have been entered. Claim 20 is withdrawn from consideration as being drawn to a non-elected invention.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/3/08 has been entered.

Objections/Rejections Withdrawn

The following objections/rejections as set forth in the Office action mailed 1/10/08 have been withdrawn:

The rejection of claims 4 and 16-19 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, has been withdrawn.

The rejection of claim 4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

The rejection of claims 1-14 and 16-19 under 35 U.S.C. 102(e) as being anticipated by WO03/066007 has been withdrawn due to the filing of a certified translation of the priority document.

The rejection of claims 1, 2, 4-10, 12-14, and 16-19 under 35 U.S.C. 103(a) as being unpatentable over Maurer et al (US 5,855,625) in view of Evans et al (US 6,171,515) has been withdrawn.

The rejection of claims 1-9 and 11-19 under 35 U.S.C. 103(a) as being unpatentable over Man (US 6,506,261) in view of Evans et al (US 6,171,515) has been withdrawn.

The rejection of claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over Hoshowski et al (US 5,137,715) in view of WO03/066007 has been withdrawn.

The rejection of claim 15 under 35 U.S.C. 103(a) as being unpatentable over WO03/066007 has been withdrawn due to the filing of a certified translation of the foreign priority document.

The rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable over Man (US 6,506,261) in view of Evans et al (US 6,171,515) as applied to claims 1-9 and 11-19 above, and further in view of Maurer et al (US 5,855,625) has been withdrawn

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 4, 5, 7, 9-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratescu et al (US 6,528,070) in view of Evans et al (6,171,515) and Scialla et al (US 6,262,007).

Bratescu et al teach emulsions containing an emulsification system containing a mixture of at least one cationic surfactant, at least one anionic surfactant, at least one "bridging surfactant", an oil and water, along with methods for preparing such emulsions. The emulsions are useful in preparing a variety of finished personal care, laundry, and cleaning products, including laundry detergents, textile treatment compositions, etc. See Abstract. More specifically, the emulsions contain from about 0.3% to about 15% by weight of an emulsification system comprising from about 0.1% to about 8% by weight of a cationic surfactant, from about 0.1% to about 8% by weight of an anionic surfactant, from about 0.1% to about 8% by weight of a bridging surfactant, from about 3% to about 70% by weight of an oil, from about 15% to about 97% by weight of water. See column 4, lines 50-65. Suitable anionic surfactants include an alkyl sulfate having an average of from about 8 to about 16 carbon atoms, an alkyl ether sulfate having an average of from about 8 to about 16 carbon atoms in the alkyl portion and from about 1 to about 30 moles of ethylene oxide, etc. See column 9, lines 1-15. Suitable oils include a silicon oil, mineral oil, a cosmetic ester or petolatum, or a mixture thereof. See column 23, lines 45-60.

The compositions in final form may include may other optional ingredients such as pH adjusting agents including citric acid, succinic acid, etc. The compositions generally contain water as the solvent but may include other solvents such as ethanol, propanol, ethylene glycol, etc. The compositions generally contain from about 5 to about 90 percent by weight of solvent. Additionally, the pH of the compositions are generally from about 2 to about 10. See column 36, lines 1-25.

Bratescu et al do not teach the specific amounts of carboxylic acids, specific silicone derivatives or a composition having the specific pH containing an anionic surfactant, a carboxylic acid, a silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims.

Evans et al teach a fiber treatment composition which contains siloxanes having amine- and polyol- functionalities. The composition provides good hand, resistance to yellowing, and hydrophilicity to the fibers. The composition is preferably formulated as an aqueous emulsion. See Abstract and column 3, lines 10-20. Note that, the siloxane as taught by Evans et al is the same as the silicone derivative as recited by the instant claims. See column 3, lines 20-69. The textile treatment composition can have any suitable form. For example, the composition can be applied to the textile neat. However, the textile treatment composition can be a solution, dispersion, or emulsion. See column 6, lines 35-45. The fiber treatment composition can be applied to the fibers during the making of the fibers or later, such as during laundering the fabric. The textiles that can be treated with the textile treatment composition include natural fibers such as cotton, silk, linen, and wool; regenerated fibers such as rayon and acetate,

synthetic fibers such as polyesters, polyamides, polyacrylonitriles, polyethylenes, etc. See column 7, lines 35-69.

Scialla et al teach self-thickened aqueous cleaning compositions which comprise an alkyl sulfate anionic surfactant and an electrolyte system. See Abstract. Specifically, Scialla et al teach self-thickened aqueous cleaning compositions containing from 1% to 25% by weight of an alkyl sulphate anionic surfactant derived from natural coconut oil, from 0.1 to 8% by weight of the total composition of ammonium salts, from 0.5% to 25% by weight of the total composition of an alkoxylated component, and from 0.01% to 0.5% by weight of the total composition of a capped 1,2-propylene terephthalate polyoxyethylene terephthalate polyester. See claim 1. The composition has a pH in the range of from 1 to 6. See claim 7. The compositions may be used for cleaning laundry. See column 5, lines 5-15. The compositions can be adjusted by the use of acidifiers such as citric acid, maleic acid, succinic acid, etc. See Column 3, lines 45-60. The acidifier may be used in amounts from 0.5 to 20% by weight and the Examiner asserts that this amount of acidifier is applicable to all the acids listed by Scialla et al. See column 3, lines 55-69.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a specific silicone derivative in the composition taught by Bratescu et al, with a reasonable expectation of success, because Evans et al teach that the use of the specific silicone derivative in a similar composition used to launder or treat fabrics provides provides good hand, resistance to yellowing, and hydrophilicity to

the textile fibers which would be desirable in the cleaning compositions taught by Bratescu et al.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use an acid such as succinic acid in the composition taught by Bratescu et al in the specific amounts as recited by the instant claims, with a reasonable expectation of success, because Scialla et al teach the use of an acid pH adjusting agent in amounts which overlap with the ranges recited by the instant claims in a similar composition and further, Bratescu et al teach the use of acid pH adjusting agents such as succinic acid.

With respect to instant claim 11, the Examiner asserts that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use maleic acid in the composition taught by Bratescu et al, with a reasonable expectation of success, because Scialla et al teach the equivalence of succinic acid to maleic acid as pH adjusters in a similar composition and further, Bratescu et al teach the use of succinic acid.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a composition containing an anionic surfactant, a carboxylic acid, a specific silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of Bratescu et al in combination with Evans et al and Scialla et al suggest a composition containing an anionic

surfactant, a carboxylic acid, a specific silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims.

Claims 1, 4, 5, 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scialla et al (US 6,262,007) in view of Evans et al (6,171,515).

Scialla et al are relied upon as set forth above. However, Scialla et al do not teach the use of the specific silicone derivatives or a composition having the specific pH containing an anionic surfactant, a carboxylic acid, a silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims.

Evans et al are relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a specific silicone derivative in the composition taught by Scialla et al, with a reasonable expectation of success, because Evans et al teach that the use of the specific silicone derivative in a similar composition used to launder or treat fabrics provides good hand, resistance to yellowing, and hydrophilicity to the textile fibers which would be desirable in the cleaning compositions taught by Scialla et al.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a composition containing an anionic surfactant, a carboxylic acid, a specific silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims, with a reasonable expectation of success, because the broad teachings of Scialla et al in combination with Evans et al suggests a composition containing an anionic surfactant, a carboxylic acid,

a specific silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims.

Response to Arguments

Note that, the Examiner asserts that Applicant's arguments are moot since all previous prior art rejections have been withdrawn and a new ground(s) of rejection has been made as set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

Applicant is reminded that any evidence to be presented in accordance with 37 CFR 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

/G. R. D./
August 8, 2008